

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 13, 2010

H034645 PEOPLE v. STOUT

The probation order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed September 13, 2010

H035285 PEOPLE v. RICHARD

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed September 13, 2010

H035546 K.D. v. SUPERIOR COURT

By the Court*:

Real Party in Interest's petition for rehearing is granted.
Filed: September 13, 2010
*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

TUESDAY, SEPTEMBER 14, 2010

H034932 PEOPLE v. PEDRANO

The judgment is reversed. The matter is remanded and the trial court is directed to (1) specify the penalty assessments attached to the laboratory analysis fees, (2) specify the amount of the drug program fees and the penalty assessments attached to them, (3) recalculate the laboratory analysis fees and drug program fees, and (4) stay the laboratory analysis fee and drug program fee and attached assessments imposed for count 4. (not published)
(Premo, Acting P.J.; We concur: Elia, J., McAdams, J.)
Filed September 14, 2010

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Duffy, J.; and LaNae Brooks, Deputy Clerk.

H033042 PEOPLE v. GAMINO

Cause called and argued by Frank J. McCabe appearing for Appellant and by Deputy Attorney General Joan Killeen appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, September 14, 2010 (continued)

H034603 PEOPLE v. GEBREZGI

Cause called and argued by Jennifer Mikaere Sheetz appearing for Appellant and by Deputy Attorney General Christopher Grove appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench and Elia, J. takes the bench.

H034727 PEOPLE v. ARTHUR

Cause called and argued by Cindy A. Diamond appearing for Appellant and by Deputy Attorney General Christopher Grove appearing for Respondent. Cause ordered submitted.

H034331 PEOPLE v. GERONIMO

Cause called and argued by Paul Carroll appearing for Appellant and by Deputy Attorney General Christopher Grove appearing for Respondent. Cause ordered submitted.

H033197 PEOPLE v. LONG

Cause called and argued by John P. Dwyer appearing for Appellant and by Deputy Attorney General Christopher Grove appearing for Respondent. Cause ordered submitted. Court is in recess until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H034492 PEOPLE v. YOUNG

Cause called and argued by Randy Baker appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032836 CONWAY v. EPIS, et al; JOHNS

Cause called. Dennis D. Brown appeared for respondent. No appearance made by appellant Terry Johns. Cause ordered submitted.

H033356 BURDETT, as Trustee, etc., et al. v. CASELLI, et al.

Cause called and argued by Robert K. Phillips appearing for Appellants and by Guy Calladine appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, September 14, 2010 (continued)

H032186 MCCASKEY v. CALIFORNIA AUTOMOBILE ASSOCIATION, et al.;
LUKE v. CALIFORNIA STATE AUTOMOBILE ASSOCIATION, et al.; MELLEN v.
CALIFORNIA STATE AUTOMOBILE ASSOCIATION, et al.

Cause called and argued by Daniel U. Smith appearing for Appellants and by
Raymond A. Cardozo appearing for Respondents. Cause ordered submitted. Court is
adjourned.

H034622 PEOPLE v. GORJIYAZDI

The July 21, 2009 judgment (order granting probation) and August 18, 2009
restitution order are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; I concur: Duffy, J.; Concurring and Dissenting
opinion by Mihara, J.)

Filed September 14, 2010

H034732 PEOPLE v. MCATEE

The judgment is reversed and the cause remanded for further proceedings
regarding the specific amount of each fine, penalty assessment and surcharge included in
the \$76 theft fine and the statutory basis for each fine, penalty assessment and surcharge.
The trial court is directed to prepare an amended abstract of judgment that separately lists,
with the statutory basis, each fine, penalty assessment and surcharge included in the \$76
theft fine imposed under Penal Code section 1202.5, subdivision (a). The clerk of the
superior court shall forward the amended abstract of judgment to the Department of
Corrections and Rehabilitation. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 14, 2010

H033410 SINACORI v. VOORHEES

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 14, 2010

*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

WEDNESDAY, SEPTEMBER 15, 2010

H033860 PEOPLE v. CASEY

The judgment is modified to stay the concurrent term imposed for count 3. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 15, 2010

H033331 PEOPLE v. DRAKE

The judgment is modified to give defendant 183 days of presentence credit, consisting of 123 days of custody credit and 60 days of conduct credit. The judgment is also modified to strike the requirement that defendant reimburse probation supervision costs. The judgment is further modified to replace the probation condition “You will be required to stay away from Mr. and Mrs. Mardirosian, Ron and Pat Mardirosian, and their house” as follows: “The defendant shall not knowingly contact Mr. or Mrs. Mardirosian or knowingly come within 100 yards of Mr. or Mrs. Mardirosian or their residence.” As so modified, the judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 15, 2010

H035602 V.C. v. SUPERIOR COURT; DFCS

Real Party in Interest has requested that our opinion, filed on August 18, 2010 be certified for publication. It appears that our opinion meets the standards set forth in California Rules of Court, rules 8.1105(c). The request is GRANTED. The opinion is ordered published in the Official Reports.

(Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.)

Filed September 15, 2010

H033587 PEOPLE v. SHELTON

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated July 6, 2010, is hereby vacated. The court by separate letter issued September 15, 2010, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: September 15, 2010

Rushing, P.J.

Sixth Appellate District

San Jose, California

Wednesday, September 15, 2010 (continued)

H032866 PEOPLE v. GONZALES

By the Court*:

Appellant's petition for rehearing is granted.

Filed: September 15, 2010

*Before Rushing, P.J., Premo, J. and Elia, J.

THURSDAY, SEPTEMBER 16, 2010

The following cases are submitted this date:

H035085 In re C.B., et al.; D.F.C.S v. C.K., et al.

H035590 In re K.E.; SANTA CRUZ COUNTY HSD v. S.E.

H035417 In re B.J.; D.F.C.S. v. P.J.; A.J

H035141 PEOPLE v. STEVENSON

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 16, 2010

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and LaNae Brooks, Deputy Clerk.

H034459 PEOPLE v. MOHRMANN

Cause called and argued by Morgan C. Taylor appearing for Appellant and by Deputy Attorney General David Lucas Fadem appearing for Respondent. Cause ordered submitted.

H034944 PEOPLE v. DURHAM

Cause called and argued by Karil Elizabeth Sager appearing for Appellant and by Deputy Attorney General Sara Elizabeth Turner appearing for Respondent. Cause ordered submitted.

H033275 FRIENDS OF JUANA BRIONES HOUSE v. CITY OF PALO ALTO;
NULMAN et al.

Cause called and argued by Gregory K. Klingsporn appearing for Appellants and by Susan Brandt-Hawley appearing for Respondent. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, September 16, 2010 (continued)

H034695 PEOPLE v. GONZALEZ, JR.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed September 16, 2010

FRIDAY, SEPTEMBER 17, 2010

The following cases are submitted this date:

H034973 PEOPLE v. AMERICAN CONTRACTORS INDEMNITY COMPANY

H034436 PEOPLE v. GONZALES

H034072 PEOPLE v. AGUILAR

H034811 PEOPLE v. VASQUEZ

H034989 PEOPLE v. DIX

H035180 PEOPLE v. LOVELACE

H035480 PEOPLE v. DEWITT

H035377 PEOPLE v. CERVANTES

H034646 PEOPLE v. RIVERA

H034909 PEOPLE v. ALLISON

HO35388 PEOPLE v. ALLISON

HO34656 PEOPLE v. WILLMES

HO35092 PEOPLE v. HERNANDEZ

H034382 PEOPLE v. BAILEY

(Filed modification of opinion with no change in the judgment.) The petition for rehearing is denied. (published)

(Elia, J., Premo, Acting P.J., McAdams, J.)

Filed September 17, 2010

H035030 PEOPLE v. URIBE

Defendant's appeal is dismissed. The remittitur shall issue forthwith. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 17, 2010